

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DIVERSIFIED CONTROL, INC.,

Plaintiff,

**DECISION AND ORDER**  
05-CV-277A

v.

CORNING CABLE SYSTEMS, LLC,

Defendant.

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This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). On March 12, 2009, defendant filed a motion for discovery sanctions against plaintiff. On February 12, 2010, Magistrate Judge McCarthy issued a Decision and Order denying defendant's motion.

Defendant filed objections to the Decision and Order on March 1, 2010. Pursuant to Rules 72(a) and 78(b) of the Federal Rules of Civil Procedure and in light of the history of this case, the Court is sufficiently familiar with the issues raised in the objections that further briefing and oral argument are unnecessary.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." The Court has reviewed defendant's objections and Magistrate Judge McCarthy's Decision and Order.

Upon such review, the Court finds that Magistrate Judge McCarthy's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order.

The parties are directed to appear before the Court on **Friday, April 16, 2010 at 9:00 a.m.** for a status conference to set a trial date.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: March 26, 2010